

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
TYLER HANSELL:TRI-SET FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4773

On May 21, 1981, an application was filed in the office of the Water Resources Director by Tyler Hansell:Tri-Set for approval of changes in place of use and point of diversion of water from Westland Irrigation District Waste and Drainage, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 34485, Volume 26, State Record of Water Right Certificates, in the name of Clarence W. Ruddell, describes a right which includes the use of not to exceed 0.25 cubic foot per second from Westland Irrigation District Waste and Drainage, for irrigation of a certain 4.5 acres in SW 1/4 SE 1/4 and 5.4 acres in SE 1/4 SE 1/4, Section 4, Township 3 North, Range 27 East, WM, with a date of priority of November 28, 1961.

Water for the said right is diverted from a point located 2,100 feet South and 270 feet West from the Northeast Corner of Section 9, being within the SE 1/4 NE 1/4 of Section 9, Township 3 North, Range 27 East, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 3.1 acres in SW 1/4 SE 1/4 and 6.8 acres in SE 1/4 SE 1/4 of said Section 4, from a point of diversion located 2,020 feet South and 30 feet East from the Northwest Corner of Section 10, being within the SW 1/4 NW 1/4 of Section 10, Township 3 North, Range 27 East, WM.

Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

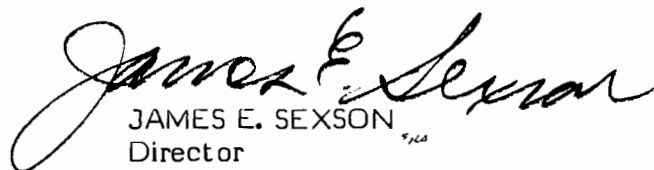
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1982.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that the certificate recorded at page 34485, Volume 26, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 18th day of June, 1981.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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